

DOCKET NO.: CEPH-3873 (CP428)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Moshe Bentolila, et al.

Confirmation No.: 5052

Application No.: 10/720,583

Group Art Unit: 1616

Filing Date: November 24, 2003

Examiner: James Henry Alstrum Acevedo

For: MODAFINIL FORMULATIONS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ Copies of reference numbers listed on the attached Form PTO-1449 are enclosed herewith.

☒ A Copy of reference number 1 on the attached Form PTO 1449 is not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(ii).

Applicants wish to bring to the Examiner's attention that U.S. Reissue Patent No. RE37,516 (reissued U.S. Patent No. 5,618,845) was asserted in litigation (D.NJ, Civ.# 03-CV-1394) by Cephalon, the current assignee of U.S. Patent Application No. 10/720,583. The '845 patent has been cited by the Examiner rejecting claims of the instant application.

There are no listed references which are not in the English language.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Date: February 29, 2008

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